

Serial number: 10/749,105
First Applicant: Carlos Vonderwalde
Examiner: Kathleen C. Sonnet
Response to Office Action dated August 24, 2007

Filing date: December 29, 2003
Attorney Docket: 28780
Group Art Unit: 3731

REMARKS

Reconsideration of the above-identified patent application in view of the following amendments and remarks is respectfully requested.

Claim 84 has been rejected under 35 U.S.C. 112. Claims 80-83 has been rejected on the grounds of nonstatutory obviousness-type double patenting. Claim 84 is herewith canceled. Claims 1-79 and 85 have been previously canceled. Claims 80-83 are pending.

Amendments to the Claims

Applicant has canceled claim 84. Applicant reserves the right to claim the subject matter claimed in canceled claims in continuing applications.

Claim 84: 35 U.S.C. 112 and specification

On Page 2, paragraph 2 of the Office Action, the Examiner has rejected claim 84 under 35 USC 112. Applicant has consequently canceled claim 84.

On Page 2, paragraph 3 of the Office Action, the Examiner has objected to the specification as failing for providing proper antecedent basis for claim 84. On Page 3, paragraph 5 of the Office Action, the Examiner has rejected claim 84 under 35 USC 112, first paragraph. On Page 3, paragraph 7 of the Office Action, the Examiner has rejected claim 84 under 35 USC 112, second paragraph. Applicant has canceled claim 84, rendering these three rejections moot.

Double Patenting

On Page 4, the Examiner has rejected claims 80-82 on the grounds of nonstatutory obviousness-type double patenting over claim 2 of U.S. Patent No. 6,929,658 of the Inventor.

Applicant respectfully traverses this rejection. That said, in order to expedite examination, Applicant has amended the specification to include a terminal disclaimer.

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With regards to paragraphs 8 and 10, Applicant respectfully submits that there exist many different ways of fashioning a given item such as a stent, and it is not possible to state that a given method of fashioning an item is obvious just by studying the finished item.

With regards to paragraph 9, Applicant respectfully submits that it is not necessarily obvious to sometimes place a sheet of material as a stent cover on the inside surface of a stent and sometimes to place the sheet of material as a stent cover on the outside surface of the stent, especially when an innovative method of securing such a cover is taught, as in the instant application.

Allowable Subject Matter

Applicant, in the interest of obtaining prompt allowance, has canceled rejected claim 84 and has filed a Terminal Disclaimer.

In view of the above, it is respectfully submitted that claims 80-83 are now in condition for allowance. A prompt notice of allowance is respectfully solicited.

Respectfully Submitted,



Martin Moynihan
Registration No. 40,338

Date: February 19, 2008

Enclosures:

- Petition for Extension of Time (Three Months)
- Terminal Disclaimer